1 2 3 4 5 6 7	EDMUND G. BROWN JR. Attorney General of California GLORIA A. BARRIOS Supervising Deputy Attorney General LINDA L. SUN Deputy Attorney General State Bar No. 207108 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-6375 Facsimile: (213) 897-2804 Attorneys for Complainant
8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: Case No. 2010 - 538
11	SUWANNEE SRISATIDNARAKUL 2618 W. Alhambra Road, #A
13	Alhambra, CA 91801 Registered Nurse License No. 416395  A C C U S A T I O N
14	Respondent.
15	
16	Complainant alleges:
17	<u>PARTIES</u>
18	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19	official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
20	Department of Consumer Affairs.
21	2. On or about August 31, 1987, the Board issued Registered Nurse License Number
22	416395 to Suwannee Srisatidnarakul (Respondent). The Registered Nurse License was in full
23	force and effect at all times relevant to the charges brought herein and will expire on May 31,
24	2011, unless renewed.
25	<u>JURISDICTION</u>
26	3. This Accusation is brought before the Board under the authority of the following
27	laws. All section references are to the Business and Professions Code (Code) unless otherwise
28	indicated.

## STATUTORY PROVISIONS

- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
  - 6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."
- 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
  - 8. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(c) Theft, dishonesty, fraud, or deceit."

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COST RECOVERY PROVISION

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## CAUSE FOR DISCIPLINE

(Substantially Related Conviction)

- 10. Respondent is subject to disciplinary action under Code sections 490 and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, subdivision (c), in that she was convicted of a crime substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:
  - a. On or about June 11, 2008, in criminal proceeding entitled *People of the State of California vs. Suwannee Srisatidnarakul*, in the Los Angeles Superior Court, Case Number GA072331, Respondent was convicted on her plea of nolo contendere to one count of violating Penal Code section 487 (A) grand theft a felony. Respondent was sentenced to one day in jail and placed on three-year formal probation. The circumstances surrounding the conviction are that on or about December 29, 2007, Respondent was arrested for stealing a name-brand handbag and other merchandise from the Nordstrom Department Store in Glendale, totaling in excess of \$1000.

## DISCIPLINE CONSIDERATIONS

- 11. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges the following:
  - a. On or about July 16, 1997, in a prior criminal proceeding entitled *People of the State of California vs. Suwannee Srisatidnarakul*, in the Los Angeles Superior Court, Case Number GA031961, Respondent was convicted of violating Penal Code sections 459 (second degree commercial burglary), 666 (petty theft with prior) and 664-487(A) (attempted grand theft of personal property), all felonies which were later reduced to

misdemeanors. The record of the criminal proceeding is incorporated as if fully set forth.

- b. On or about July 23, 1996, in a prior criminal proceeding entitled *People of the State of California vs. Suwannee Srisatidnarakul*, in the Los Angeles Superior Court, Case Number 6BH00437, Respondent was convicted of violating Penal Code section 666 petty theft with prior a misdemeanor. The record of the criminal proceeding is incorporated as if fully set forth.
- c. On or about December 4, 1992, in a prior criminal proceeding entitled *People of the State of California vs. Suwannee Srisatidnarakul*, in the Los Angeles Superior Court, Case Number 92M02853, Respondent was convicted of violating Penal Code section 484 (A) petty theft a misdemeanor. The record of the criminal proceeding is incorporated as if fully set forth.

## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 416395, issued to Suwannee Srisatidnarakul;
- 2. Ordering Suwannee Srisatidnarakul to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: 4/23/10 JOUISER BALLEY MED

Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs

Department of Consumer Affairs

State of California Complainant

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